

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JEROME ROSS and)	
ERNESTINE ROSS,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action Number: 2:07-cv-792-WKW
)	
PROGRESSIVE SPECIALTY)	
INSURANCE COMPANY,)	
)	
Defendants.)	

**ANSWER TO AMENDED COMPLAINT BY DEFENDANT, PROGRESSIVE
SPECIALTY INSURANCE COMPANY ("PROGRESSIVE")**

First Defense

Progressive admits that it issued a policy of commercial auto insurance to Tony Lester. It was in full force and effect at the time of the plaintiff's accident. It provided UIM coverage.

Second Defense

Progressive denies that it issued a separate policy of automobile insurance to the plaintiffs. It demands strict proof thereof.

Third Defense


Progressive denies that the plaintiffs are entitled to recover UIM benefits at this time; rather, they have been fully compensated for their injuries and damages within the tortfeasor's liability limits.

Fourth Defense

Progressive denies that the plaintiffs are entitled to recover the items and amounts of damages alleged in the amended complaint. It demands strict proof thereof.

Fifth Defense

Progressive avers that the plaintiffs cannot recover for any damages which they could have reasonably mitigated.



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Defendant, Progressive Specialty
Insurance Company
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CERTIFICATE OF SERVICE

I hereby certify that I have this the 9 day of July, 2008, served a copy of the foregoing to all attorneys of record by filing same electronically and/or placing a copy of same in the United States Mail, postage prepaid and properly addressed as follows:

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